**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.6386 OF 2005**

Maruti Genu Gunjal. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Rahul Kate i/by Shri R.D.Survyawanshi for the Applicant.
Shri K.V.Saste, A.P.P. for the Respondent-State.
Shri V.Mishra for the Complainant.

**CORAM : ABHAY S. OKA, J.**

**DATED : 10th October, 2005.**

**P.C.:**

1. The Advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The offence has been registered under sections 302, 143, 147, 148, 149, 323, 212, 201, 120(B) of the Indian Penal Code against the Applicant and the co-accused. The learned Advocate for the Applicant submitted that the first informant and other eye witnesses have not named the Applicant. He pointed out that the test identification parade is meaningless as even according to the case of the prosecution, the first informant was shown to the accused persons in the Police Station two months before the test identification parade. He submitted that the recovery of blood stained clothes at the instance of the Applicant is also doubtful. The learned A.P.P. invited my attention to the relevant material on record and submitted that no case is made out for enlarging the Applicant on bail.

3. I have considered the submissions. The incident is of 9th February 2005. The allegation against the Applicant and other co-accused is that they assaulted the deceased and other persons. It is true that the Applicant has not been specifically named in the F.I.R. However, there is a recovery of blood stained clothes at the instance of the Applicant. The report of the Chemical Analyser shows that the blood on his clothes recovered at the instance of the Applicant is of the blood group of the deceased and the blood group of the Applicant is different. There is some evidence of identification of the Applicant. What weightage is to be given to identification is a matter of evidence. At present there is sufficient material on record to show the complicity of the Applicant in the offence of brutal nature. The case is already committed to the Court of Sessions.

4. The Application is rejected. However, the learned Sessions Judge will conclude the trial expeditiously by taking the case as High Court expedited case.

5. It is obvious that the observations which are made in this order are for the limited purposes for considering the prayer for bail and the trial Court will not be influenced by the said observations in the trial.

**Judge.**